

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I, claims 20 and 23-35, in the reply filed on 10/10/2007 is acknowledged.

Claims 36-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/10/2007.

### *Response to Arguments*

Applicant's arguments with respect to claims 20 and 23-35 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 20, 23-27, 31, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen; R. (US 6606722 B1) in view of the Related Art in Knoll; Ernest (US 5357204 A).

35 U.S.C. 103(a) rejection of claim 20.

Haimi-Cohen teaches sending a text/voice indicator from a cellular text telephone modem to a voice decoder of a communication terminal receiver (col. 1, lines 40-42 teaches that Figures 1 and 3 in Haimi-Cohen provide reversed CRC to indicate Baudot-encoded text telephony signals for communication between a cellular phone sending and receiving terminals; Figure 3 is a voice decoder of a communication terminal receiver), and suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data (col. 6, lines 9-15 in Haimi-Cohen teaches that Prior Art speech decoders do not distinguish Baudot-encoded text telephony signals from speech signals; col. 6, lines 15-55 in Haimi-Cohen teaches that the Speech Decoder of Figure 3 distinguishes from the Prior Art in the use Baudot-encoded text reversed CRC indicator allowing for the suppression of error concealment in the voice decoder by providing a bypass mechanism for Baudot-encoded text). Note: since error concealment for Baudot-encoded text is useless, Haimi-Cohen teaches that error concealment applied to any Baudot-encoded text is

ignored, that is the error concealment applied to any Baudot-encoded text is disabled from released form the speech decoder.

Haimi-Cohen substantially teaches disabling a devices function, i.e., error concealment in the voice decoder, if the text/voice indicator indicates that the data is cellular text telephone modem text data, i.e., error concealment is not a viable solution for errors, by suppressing use of any error concealment result in an error concealment circuit of the voice decoder (col. 6, lines 9-15 in Haimi-Cohen teaches that Prior Art speech decoders do not distinguish Baudot-encoded text telephony signals from speech signals; col. 6, lines 15-55 in Haimi-Cohen teaches that the Speech Decoder of Figure 3 distinguishes from the Prior Art in the use Baudot-encoded text reversed CRC indicator allowing for the suppression of error concealment results in the voice decoder by providing a bypass mechanism for Baudot-encoded text). Note: error concealment data is not used when data is cellular text telephone modem text data.

However Haimi-Cohen does not explicitly teach the specific use of disabling error concealment when error concealment is no longer being used.

The Related Art in Knoll, in an analogous art, teaches use of disabling individual subcircuits within a system when they are no longer in use (col.1, lines 44-50 in the Related Art in Knoll).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haimi-Cohen with the teachings of the Related Art in Knoll by including use of disabling error concealment subcircuits when error concealment is no longer being used. This modification would have been obvious to

one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that use of disabling error concealment subcircuits when error concealment is no longer being used would have reduced power consumption (col.1, lines 44-50 in the Related Art in Knoll).

35 U.S.C. 102(b) rejection of claim 23.

Figure 1 in Haimi-Cohen teaches that CRC error correction code is modified by reversing.

35 U.S.C. 102(b) rejection of claim 24.

Col. 1, lines 40-42; and Figures 1 and 3 in Haimi-Cohen.

35 U.S.C. 102(b) rejection of claim 25.

Col. 1, lines 40-42; and Figures 1 and 3 in Haimi-Cohen.

35 U.S.C. 102(b) rejection of claim 26.

Figures 1 and 3 in Haimi-Cohen teach that if a subsequent received frame is a voice frame CRC is used as an indicator for voice.

35 U.S.C. 102(b) rejection of claim 27.

Figure 1 in Haimi-Cohen provides an adaptive data rate for TTY text transmission embedded in voice transmissions, the data rate determined by the amount of TTY embedded in a block of length B of speech.

35 U.S.C. 102(b) rejection of claim 31 and 32.

Positions in the data frame for CRC error correction redundancy are unused TTY text positions.

35 U.S.C. 102(e)/103(a) rejection of claim 35.

Abstract in Haimi-Cohen.

Claims 28-30, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen; R. (US 6606722 B1) and the Related Art in Knoll; Ernest (US 5357204 A) in view of Kobayashi; Hisashi et al. (US 6029264 A, hereafter referred to as Kobayashi).

35 U.S.C. 103(a) rejection of claims 28 and 29.

Haimi-Cohen and the Related Art in Knoll substantially teaches the claimed invention described in claim 20 (as rejected above).

However Haimi-Cohen and the Related Art in Knoll do not explicitly teach the specific use of additional information is added by the communication terminal receiver to the received data.

Kobayashi, in an analogous art, teaches additional information is added by the communication terminal receiver to the received data (Figure 8 in Kobayashi teaches an AZD device for initially receiving data and adding soft erasure information for supplementing downstream error correction decoders).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haimi-Cohen and the Related Art in Knoll with the teachings of Kobayashi by including additional information is added by the communication terminal receiver to the received data. This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that additional information is added by the communication terminal receiver to the received data would have provided Improved error correction performance (col. 4, lines 22-25 in Kobayashi).

35 U.S.C. 103(a) rejection of claim 30.

Figure 8 in Kobayashi teaches an AZD device for initially receiving data and adding soft erasure information for supplementing downstream error correction decoders. Erasures indicate that the frame having an erasure is corrupted.

35 U.S.C. 103(a) rejection of claim 33 and 34.

Figure 8 in Kobayashi teaches an AZD device for initially receiving data and adding soft erasure information for supplementing downstream error correction decoders. Erasures are an indication of noise in the communication channel.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott T. Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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